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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA  
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13 NATALIE EGBERTO, and SARA SMITH, ) 3:08-cv-00312-HDM-VPC  
14 individually, jointly and on )  
15 behalf of RICKY EGBERTO, )  
16 Plaintiffs, ) ORDER  
17 vs. )  
18 E.K. MCDANIEL, et al., )  
19 Defendants. )  
\_\_\_\_\_ )

20 A notice of appeal was filed in this case on April 13, 2011.  
21 (Docket No. 163) On April 14, 2011, this court issued an order  
22 noting that it had been divested of jurisdiction to consider the  
23 following motions: Plaintiffs' Motion for Sanctions (Docket No.  
24 160), Plaintiffs' Motion to Supplement Plaintiffs' Motion for  
25 Summary Judgment (Docket No. 161), Defendants' Motion for  
26 Enlargement of Time to File an Opposition to Plaintiffs' Motion for  
27 Sanctions (Docket No. 165), and Defendants' Motion for Enlargement  
28 of Time to File an Opposition to Plaintiffs' Motion to Supplement

1 Plaintiffs' Motion for Summary Judgment (Docket No. 166). (See  
2 Docket No. 168)

3 The appeal is ongoing. Federal Rule of Civil Procedure 62.1  
4 states: "[i]f a timely motion is made for relief that the court  
5 lacks authority to grant because of an appeal that has been  
6 docketed and pending, the court may: (1) defer considering the  
7 motion; (2) deny the motion; or (3) state that it would grant the  
8 motion if the court of appeals remands for that purpose or that the  
9 motion raises a substantial issue." Accordingly, the court hereby  
10 denies without prejudice the aforementioned motions (Docket Nos.  
11 160, 161, 165, and 166).

12 IT IS SO ORDERED.

13 DATED: This 25th day of October, 2011.

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16 UNITED STATES DISTRICT JUDGE  
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